

UNITED STATES DISTRICT COURT

for the
District of Arizona

United States of America)

v.)

Mario Rivera-Gamboa)

a.k.a. Rivera, Mario)

(A092 438 612))

Defendant)

Case No. 17-9475 MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of September 20, 2017, in the County of Maricopa, in the District of Arizona, the defendant violated Title 8, U.S.C. § 1326(a), an offense described as follows:

Mario Rivera-Gamboa, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about August 24, 1999, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, Section 1326(a), and enhanced by (b)(1). I further state that I am a Deportation Officer.

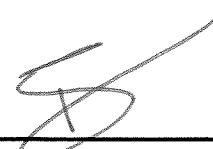
This criminal complaint is based on these facts:

See Attached Statement of Probable Cause Incorporated by Reference Herein

CEB

REVIEWED BY: Charles E. Bailey, P.S. for AUSA Jillian Besancon

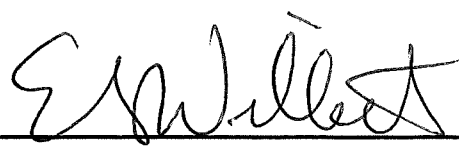
☒ Continued on the attached sheet.


Complainant's signature

Robert L. Moore,
Deportation Officer
Printed name and title

Sworn to before me and signed in my presence.

Date: September 22, 2017


Judge's signature

City and state: Phoenix, Arizona

Eileen S. Willett,
United States Magistrate Judge
Printed name and title

STATEMENT OF PROBABLE CAUSE

I, Robert Moore, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers, the facts recited herein.
2. On or about January 12, 2017, Mario Rivera-Gamboa went to the Arizona Department of Motor Vehicles and submitted an application to obtain a replacement Arizona driver's license in the name of Edwin Rivera Arocho. Rivera-Gamboa had his photograph taken and was issued a new driver's license under D06626323.
3. On September 20, 2017, detectives with the Arizona Department of Motor Vehicles, Office of the Inspector General, executed a search warrant at 4408 W. Alta Vista Road, in Phoenix, Arizona, stemming from a positive facial recognition hit they received showing Rivera-Gamboa had assumed the identity of a true person named Edwin Rivera Arocho. During the execution of the search warrant, detectives seized a Harrington & Richardson 12 gauge shotgun, a Smith & Wesson 9mm handgun, identification documents, and social security cards in different names. Rivera-Gamboa was not present during the search, but his wife was present, so detectives had her call Rivera-Gamboa to ask him to return to the residence to answer questions. Several phone calls were exchanged between detectives and Rivera-Gamboa, but Rivera-Gamboa never returned to the residence.

4. Immigration history checks revealed Mario Rivera-Gamboa to be a citizen of Mexico and a previously deported criminal alien. Rivera-Gamboa was removed from the United States to Mexico at or near Nogales, Arizona, on or about August 24, 1999, pursuant to a final order of removal issued by an immigration judge. There is no record of Rivera-Gamboa in any Department of Homeland Security database to suggest that he obtained permission from the Secretary of the Department of Homeland Security to return to the United States after his removal. Rivera-Gamboa's immigration history was matched to him by a query of his biographical information in immigration databases.
5. Criminal history checks revealed that Mario Rivera-Gamboa was convicted of two (2) Counts of Aggravated Assault, and one (1) Count of Drive-by-Shooting, all felony offenses, on September 11, 1998, in the Superior Court of Arizona, Maricopa County. Rivera-Gamboa was sentenced to a term of three and one half (3.5) years' imprisonment and five (5) years' probation.
6. For these reasons, this affiant submits that there is probable cause to believe that on or about September 20, 2017, Mario Rivera-Gamboa, an alien, was found in the United States of America at or near Phoenix, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona on or about August 24, 1999, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply

for admission thereto; in violation of Title 8, United States Code, Section 1326(a) and enhanced by (b)(1).

7. Your affiant respectfully requests the Court issue an arrest warrant for Mario Rivera-Gamboa, as he is not currently in ICE custody.



Robert L. Moore,
Immigration and Customs Enforcement

Sworn to and subscribed before me
this 22nd day of September, 2017.



Eileen S. Willett,
United States Magistrate Judge